

**Remarks**

Claims 17, 21, 23-24, 35 and 38 are currently pending in this application. Claims 17 and 38 are independent.

The Applicant has addressed all the objections raised by the Examiner.

The Office Action rejects claims 17, 19-23 and 26 under 35 U.S.C. § 102(b) and claims 18, 24-25 and 27-37 under 35 U.S.C. § 103(a).

Claim 17 has been amended to include the feature of the cylindrical body having a plurality of LEDs located and extending in a line around the base thereof to provide a constant indication for a pre-determined period of time, as to the location of the apparatus. Dependent Claims 21 and 23 have been amended to conform to newly amended Claim 17. Claim 24 has been amended to include the feature of a battery which is synchronized to the service period of the apparatus such that a powerless LED indicates that the fire extinguishing apparatus is due for a service. Basis for this amendment can be found on page 5, lines 19-25 of the international application as published. Claim 35 has been amended to conform to newly amended Claim 17 and to overcome the objections raised in the Office Action. New independent claim 38 has been added which has a basis on page 6, lines 24-28 of the international application as published. Claims 18-20, 22, 25-34, and 36-37 have been cancelled.

Applicant hereby submits the above amendments in response to the rejections in the outstanding Office Action. Applicant respectfully requests they be entered and the rejections withdrawn.

**Rejection Under 35 U.S.C. § 102**

Claims 17, 21, and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cawkwell.

The problem addressed by the present invention pertains to providing a clear, unobstructed visual indication of the location of a fire extinguisher at all times, irrespective of how the fire extinguisher is positioned at its location.

The solution as identified in the present application, is to provide a series of LEDs extending circumferentially in a line around the base of the fire extinguisher. In this way, LEDs would always be visible irrespective of how the cylinder is positioned and from all angles. The present invention has been extensively tested in simulated fire conditions, and in particular in enclosed areas filled with smoke. It has been proven that the smoke rises and that any light provided even few inches from the floor is not clearly visible, if at all, in the event of a fire.

It is submitted that the claims as amended are novel over prior art. No prior art document discloses fire extinguishing apparatus comprising a cylindrical body having a plurality of LEDs located and extending in a line around the base thereof to provide a constant indication for a pre-determined period of time, as to the location of the apparatus, as recited in applicant's claim 17 as currently amended.

In Cawkwell, only a single light is disclosed, and the light would not be visible, or at least would be partially obstructed rendering its use minimal, if the fire extinguisher is positioned with the light facing the wall. In addition, if the fire extinguisher was rotated such that the light was 180 degrees from the point of view of a user, the light would be completely obstructed. Fire extinguishers are often moved around by people, for example to hold doors open, and the person moving the apparatus seldom takes care to place the extinguisher back in its precise position. Indeed, the average person would not even be aware of the importance of making sure that the light remains facing outwardly from the wall. Thus, Cawkwell does not teach or suggest the cylindrical body having a plurality of LEDs located and extending in a line around the base thereof to provide a constant indication for a pre-determined period of time, as to the location of the apparatus. Therefore claim 17 and all of its dependant claims are patentable over Cawkwell.

Furthermore, no prior art document discloses a base mount for a fire extinguishing apparatus having these features as recited in independent claim 38.

### **Rejection Under 35 U.S.C. § 103**

Claims 24 and 35 were rejected under 35 U.S.C. § 103(a).

The problem addressed by the present invention pertains to providing a clear, unobstructed visual indication of the location of a fire extinguisher at all times, irrespective of

how the fire extinguisher is positioned at its location. A further problem pertains to providing a clear warning to the user in the event that the fire extinguisher requires service.

The solution to the first problem, as identified in the present application, is to provide a series of LEDs extending circumferentially in a line around the base of the fire extinguisher. In this way, LEDs would always be visible irrespective of how the cylinder is positioned and from all angles. The present invention has been extensively tested in simulated fire conditions, and in particular in enclosed areas filled with smoke. It has been proven that the smoke rises and that any light provided even a meter from the floor is not clearly visible, if at all, in the event of a fire.

In Cawkwell and Patent No. DE 298 12 461 U (published 12/17/1998, and cited in applicant's Information Disclosure Statement), only a single light is disclosed, and the light would not be visible, or at least would be partially obstructed rendering its use minimal, if the fire extinguisher is positioned with the light facing the wall. Fire extinguishers are often moved around by people, for example to hold doors open, and the person moving the apparatus seldom takes care to place the extinguisher back in its precise position. Indeed, the average person would not even be aware of the importance of making sure that the light remains facing outwardly from the wall.

The solution to the second problem is to provide a constant indication for a pre-determined period of time (the pre-determined period of time being, for example, the length of time before a service is required). As such, in the event that the LEDs are no longer emitting light, the user knows that the fire extinguisher requires some sort of service or maintenance.

In Patent No. DE 298 12 461 U, the single light will only start to flash in the event of the detection of smoke. If the battery no longer has charge to power the light, then the light will simply not flash at this critical point in time. Unlike the present invention there can be no prior indication to the user that the light will not flash and that the extinguisher thus requires a service or maintenance.

It is submitted that, neither Cawkwell, DE 298 12 461 U, nor any prior art solves, or even recognizes, the aforementioned problems specifically addressed by the present application and, as such, the claims as amended are novel and nonobvious over the prior art.

**Conclusion**

Based on the foregoing, Applicant respectfully requests that the above amendments be entered and favorable reconsideration and allowance of claims 17, 21, 23-24, 35 and 38 is solicited.

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Respectfully submitted,

/Michael Eisenberg/ Reg. No. 50,448

Michael D. Eisenberg  
Attorney for Applicant

Law Office of Michael D. Eisenberg  
3263 Caminito Eastbluff, Suite 198  
La Jolla, California  
Telephone No.: (858) 812-0820  
Facsimile No.: (858) 761-0240